

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

CHRISTOPHER ALDRIDGE

PLAINTIFF

V.

CASE NO. 3:19-CV-178-DPM-BD

BERNET, *et al.*

DEFENDANTS

ORDER

Christopher Aldridge, a pre-trial detainee at the Craighead County Detention Facility, filed this civil rights lawsuit without the help of a lawyer under 42 U.S.C. § 1983. (Docket entry #2) In his complaint, Mr. Aldridge claims that Defendant Bernet used excessive force against him by spraying him with pepper spray and that all Defendants denied him constitutionally adequate medical treatment.

Mr. Aldridge names four individuals as Defendants and sues them in their official capacities only. Because Defendants are all employees of Craighead County, Arkansas, official-capacity claims against them are, in effect, claims against Craighead County. *Parrish v. Ball*, 594 F.3d 993, 997 (8th Cir. 2010). Craighead County cannot be held liable for the alleged misconduct of these Defendants unless they were acting pursuant to County custom or policy when they violated Mr. Aldridge's rights. *Monell v. New York Dep't of Soc. Servs.*, 436 U.S. 658, 694 (1978); *Jenkins v. County of Hennepin, Minn.*, 557 F.3d 628, 632 (8th Cir. 2009).¹

¹ For purposes of § 1983, a policy is a "deliberate choice of a guiding principle or procedure made by the municipal official who has final authority regarding such matters." *Marksmeier v. Davie*, 622 F.3d 896, 902 (8th Cir. 2010). To establish a custom,

To state an official-capacity claim, Mr. Aldridge must challenge a County custom or policy that is allegedly unconstitutional. Here, there is no allegation that Defendants were following Craighead County policy or custom when they allegedly violated Mr. Aldridge's rights. Accordingly, Mr. Aldridge must amend complaint to clarify whether he is suing the Defendants in their individual capacities, their official capacities, or both. If he intends to sue Defendants in their official capacities, he must explain the policy or custom that he believes to be unconstitutional.

Mr. Aldridge has 30 days to file an amended complaint. His failure to file an amended complaint could result in the dismissal of some or all claims. See Local Rule 5.5.

IT IS SO ORDERED, this 17th day of June, 2019.


UNITED STATES MAGISTRATE JUDGE

a plaintiff must prove that the county engaged in a continuing pattern of unconstitutional misconduct, not just a single unconstitutional act. *Id.* at 902-903.